

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6197 of 2007()

CRIME NO. 479/2007 OF ATTINGAL POLICE STATION

PETITIONERS - ACCUSED (A1 AND A2)

1. ANIRUDHAN, AGED 65, S/O.GOPALAN,
A.S.BHAVAN, THANNIKKONAM, DARSANAVATTOM
DESOM, NAGAROOR VILLAGE.
2. SREELAL, S/O.ANIRUDHAN, RESIDING AT
DO. DO.

BY ADV. SRI.NAIR AJAY KRISHNAN
SRI.R.T.PRADEEP

RESPONDENTS:

THE STATE OF KERALA
REPRESENTED BY THE DIRECTOR GENERAL OF
PROSECUTION, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

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B.A.No. 6197 of 2007

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Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners face allegations for offences punishable, inter alia, under Sections 452 and 308 IPC. Case and a counter case have been registered in respect of the incident which took place on 29.6.07. According to the prosecution, the de facto complainant had trespassed into the property of the petitioners and the de facto complainant ran back to his house. He is a neighbour. The petitioners allegedly chased him and indulged in the culpable overt acts. Weapon used is only a coconut stump. The case and the counter case are being investigated. The accused in the counter case have already been granted anticipatory bail.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Directions under Section 438 may be issued in favour of the petitioners, it is prayed.

3. The learned Public Prosecutor does not oppose the said prayer. I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners.

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11a.m. on 23.10.2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.50,000/-(Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 5 p.m on 24.10.2007 and 25.10.2007. During this period the Investigating Officer shall be at liberty to interrogate the petitioners in custody and do the needful for the investigation of the crime. Thereafter the petitioners shall so appear on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 23.10.2007, they shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 23.10.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE

